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CERTIFICATE OF EXPRESS MAIL

NUMBER	EL830938504US
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*Deanne S. Hays*  
Signature

JC821 U.S. PTO  
10/043904  
01/11/02

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Atty. Dkt. No.: EISE096—2/LWT**

**Prior Application Examiner:**  
**William Hong**

**BOX PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

**Classification Designation:**

**Prior Group Art Unit: 3725**

**REQUEST FOR FILING DIVISIONAL APPLICATION**  
**UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b) of co-pending prior application Serial No. 09/777,129 filed February 5, 2001, entitled "Food Waste Disposer Having A Variable Speed Motor" (as amended). The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53.

This divisional application is filed in response to a restriction requirement that issued in the 09/777,129 case, and picks up the general subject matter of the Group III claims, namely,

methods of operating a food waste disposer. Although Applicant has amended the Group III claim by preliminary amendment in this application, Applicant submits that further restriction of the claims in this application is not warranted.

Priority under 35 U.S.C. § 120 is hereby claimed to Ser. No. 09/777,129, filed February 5, 2001, and priority under 35 U.S.C. § 119(e) is further claimed to provisional application 60/253,481, filed November 28, 2000. The present application contains no new matter not present in Ser. No. 09/777,129.

Enclosed is a copy of the prior application Serial No. 09/777,129 as originally filed, including the written description, claims, drawings, and declaration. The written description, the claims, and the abstract total 31 pages. Additionally included are ten Figures set forth on seven drawing sheets. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon. The inventorship is the same as prior Application Serial No. 09/777,129.

Enclosed is a Preliminary Amendment. The fee calculation below takes into account amendments made by the Preliminary Amendment.

Enclosed are an Information Disclosure Statement (IDS) and accompanying form PTO 1449.

Enclosed is a copy of the assignment executed by the inventors to the assignee Emerson Electric Co., and recorded in the parent application Serial No. 09/777,129.

FEE CALCULATION: CLAIMS AS FILED IN THE PRIOR APPLICATION  
BUT INCLUDING AMENDMENTS MADE BY PRELIMINARY AMENDMENT

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$740.00
Total Claims	104 - 20 =	84 X	\$18.00 =	1,512.00
Independent Claims	6 - 3 =	3 X	\$84.00 =	252.00
Multiple Dependent Claim(s) -----				0
<b>TOTAL FILING FEES:</b>				<b>\$2,504.00</b>

The Commissioner is authorized to charge the fee of \$2,504.00 to Deposit Account No. 01-2508/EISE:096-2/LWT. Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from that deposit account.

Please address all future communications to:

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Also enclosed is a Return Receipt Postcard. Please send this back to the address above to verify your Office's receipt of these enclosed materials.

Respectfully submitted,



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Date: 1-11-2001